



March 24, 2009

ENGROSSED SENATE BILL No. 553

DIGEST OF SB 553 (Updated March 11, 2009 3:30 pm - DI 96)

Citations Affected: IC 9-13; IC 9-21.

Synopsis: Bicycles and traffic safety. Makes various changes concerning bicycle operation and traffic laws. Deletes language: (1) prohibiting a bicyclist from carrying packages; and (2) requiring a bicycle to be equipped with a bell or other audible signal device. Provides that a person who causes bodily injury to a person riding a bicycle while knowingly, intentionally, or recklessly operating a motor vehicle in the commission of certain traffic infractions commits a Class C misdemeanor, or a Class B misdemeanor if the operation causes serious bodily injury. Makes a technical correction.

Effective: July 1, 2009.

Broden, Holdman

(HOUSE SPONSORS — DVORAK, NEESE)

January 15, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

February 17, 2009, amended, reported favorably — Do Pass.

February 19, 2009, read second time, amended, ordered engrossed.

February 20, 2009, engrossed.

February 23, 2009, read third time, passed. Yeas 38, nays 11.

HOUSE ACTION

March 5, 2009, read first time and referred to Committee on Roads and Transportation.

March 23, 2009, amended, reported — Do Pass.

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ES 553—LS 7524/DI 96+



March 24, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 553

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-14 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. "Bicycle" means a
3 ~~any foot-propelled~~ vehicle:

- 4 (1) **propelled solely by human powered foot crank or hand**
5 **crank;**
6 (2) **operated by one (1) or more individuals; and**
7 (3) **having two (2) or more** ~~irrespective of the number of wheels.~~
8 ~~in contact with the ground.~~

9 **The term does not include a child's ride-on toy or skateboard.**

10 SECTION 2. IC 9-13-2-14.5 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2009]: Sec. 14.5. "Bicycle lane" means a part of a roadway or a
13 paved path separated from the roadway that has been designated
14 for the preferential or exclusive use of bicyclists by any of the
15 following means or any combination of the following means:

- 16 (1) **Striping.**
17 (2) **Pavement markings.**

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(3) Signage.

SECTION 3. IC 9-21-3-7 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Whenever traffic is controlled
by traffic control signals exhibiting different colored lights or colored
lighted arrows successively, one (1) at a time or in combination, only
the colors green, red, or yellow may be used, except for special
pedestrian signals under IC 9-21-18.

(b) The lights indicate and apply to drivers of vehicles and
pedestrians as follows:

(1) Green indication means the following:

(A) Vehicular traffic facing a circular green signal may
proceed straight through or turn right or left, unless a sign at
the place prohibits either turn.

(B) Vehicular traffic, including vehicles turning right or left,
shall yield the right-of-way to other vehicles and to pedestrians
lawfully within the intersection or an adjacent sidewalk at the
time the signal is exhibited.

(C) Vehicular traffic facing a green arrow signal, shown alone
or in combination with another indication, may cautiously
enter the intersection only to make the movement indicated by
the green arrow or other movement permitted by other
indications shown at the same time.

(D) Vehicular traffic shall yield the right-of-way to pedestrians
lawfully within an adjacent crosswalk and to other traffic
lawfully using the intersection.

(E) Unless otherwise directed by a pedestrian control signal,
pedestrians facing a green signal, except when the sole green
signal is a turn arrow, may proceed across the roadway within
a marked or unmarked crosswalk.

(2) Steady yellow indication means the following:

(A) Vehicular traffic facing a steady circular yellow or yellow
arrow signal is warned that the related green movement is
being terminated and that a red indication will be exhibited
immediately thereafter.

(B) A pedestrian facing a steady circular yellow or yellow
arrow signal, unless otherwise directed by a pedestrian control
signal, is advised that there is insufficient time to cross the
roadway before a red indication is shown, and a pedestrian
may not start to cross the roadway at that time.

(3) Steady red indication means the following:

(A) Except as provided in ~~clause~~ **clauses (B) and (D)**,
vehicular traffic facing a steady circular red signal alone shall

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stop at a clearly marked stop line. However, if there is no clearly marked stop line, vehicular traffic shall stop before entering the crosswalk on the near side of the intersection. If there is no crosswalk, vehicular traffic shall stop before entering the intersection and shall remain standing until an indication to proceed is shown.

(B) Except when a sign is in place prohibiting a turn described in this subdivision, vehicular traffic facing a steady red signal, after coming to a complete stop, may cautiously enter the intersection to do the following:

(i) Make a right turn.

(ii) Make a left turn if turning from the left lane of a one-way street into another one-way street with the flow of traffic.

Vehicular traffic making a turn described in this subdivision shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

(C) Unless otherwise directed by a pedestrian control signal pedestrians facing a steady circular red signal alone may not enter the roadway.

(D) If a bicycle cannot activate a traffic control sensor within a reasonable period of time, the person riding the bicycle may:

(i) treat the steady red light as if it were a flashing red light; and

(ii) enter the intersection cautiously and proceed through the intersection.

(4) No indication or conflicting indications means the following:

(A) Vehicular traffic facing an intersection having a signal that displays no indication or conflicting indications, where no other control is present, shall stop before entering the intersection.

(B) After stopping, vehicular traffic may proceed with caution through the intersection and shall yield the right-of-way to traffic within the intersection or approaching so closely as to constitute an immediate hazard.

(5) This section applies to traffic control signals located at a place other than an intersection. A stop required under this subdivision must be made at the signal, except when the signal is supplemented by a sign or pavement marking indicating where the stop must be made.

SECTION 4. IC 9-21-3-11 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. **(a) Except as provided in subsections (b) and (c), a person who violates section 7, 8, 9, or 10 of this chapter commits a Class C infraction.**

(b) A person who causes bodily injury to a person riding a bicycle while knowingly, intentionally, or recklessly operating a motor vehicle in the commission of a violation of section 7, 8, 9, or 10 of this chapter commits a Class C misdemeanor.

(c) A person who causes serious bodily injury to a person riding a bicycle while knowingly, intentionally, or recklessly operating a motor vehicle in the commission of a violation of section 7, 8, 9, or 10 of this chapter commits a Class B misdemeanor.

SECTION 5. IC 9-21-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. **(a) Except as provided in subsections (b) and (c), a person who violates section 4, 5, 6, 16, 17, or 18 of this chapter commits a Class C infraction.**

(b) A person who causes bodily injury to a person riding a bicycle while knowingly, intentionally, or recklessly operating a motor vehicle in the commission of a violation of section 16 or 18 of this chapter commits a Class C misdemeanor.

(c) A person who causes serious bodily injury to a person riding a bicycle while knowingly, intentionally, or recklessly operating a motor vehicle in the commission of a violation of section 16 or 18 of this chapter commits a Class B misdemeanor.

SECTION 6. IC 9-21-8-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. **(a) Except as provided in subsection (b), all signals required under this chapter may be given by hand and arm. A signal given under this section shall be given from the left side of the vehicle in the following manner:**

(1) A left turn is indicated by extending the hand and arm horizontally.

(2) A right turn is indicated by extending the hand and arm upward.

(3) A stop or decreased speed is indicated by extending the hand and arm downward.

(b) A person riding a bicycle upon a roadway shall indicate:

(1) a right turn by extending the left arm upward or the right arm horizontally to the right;

(2) a left turn by extending the left arm horizontally;

(3) stopping or decreasing speed by extending the left arm or the right arm downward; and

(4) a left turn or right lane change by extending the left arm or right arm to the left or right respectively.

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SECTION 7. IC 9-21-8-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 37. Notwithstanding other provisions of this article or a local ordinance, a person who drives a vehicle shall do the following:

(1) Exercise due care to avoid colliding with a pedestrian or a person ~~propelling a human powered vehicle~~, **riding a bicycle**, giving an audible signal when necessary.

(2) Exercise proper caution upon observing a child or an obviously confused, incapacitated, or intoxicated person.

SECTION 8. IC 9-21-8-37.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 37.5. Whenever a bicycle lane exists, the following apply:**

(1) The operator of a vehicle shall not block the bicycle lane to bicycle traffic and shall yield to a bicyclist in the bicycle lane before entering or crossing the bicycle lane.

(2) A person riding a bicycle is required to ride in the bicycle lane except when necessary to:

(A) pass another person riding a bicycle;

(B) avoid an obstruction in the bicycle lane;

(C) position the bicycle in order to make a left turn; or

(D) ride on a sidewalk in conformance with a local ordinance.

A person riding a bicycle may ride on a roadway if no bicycle lane exists.

SECTION 9. IC 9-21-8-49, AS AMENDED BY P.L.40-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 49. **(a)** Except as provided in sections 50, 51, 52, 54, 55, and 56 of this chapter **and subsections (b) and (c)**, a person who violates this chapter commits a Class C infraction.

(b) A person who causes bodily injury to a person riding a bicycle while knowingly, intentionally, or recklessly operating a motor vehicle in the commission of a violation of this chapter other than a violation of section 50, 51, 52, 54, 55, or 56 of this chapter commits a Class C misdemeanor.

(c) A person who causes serious bodily injury to a person riding a bicycle while knowingly, intentionally, or recklessly operating a motor vehicle in the commission of a violation of this chapter other than a violation of section 50, 51, 52, 54, 55, or 56 of this chapter commits a Class B misdemeanor.

SECTION 10. IC 9-21-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. ~~(a)~~ The parent of a

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minor child and the guardian of a protected person may not authorize or knowingly permit the **minor** child or protected person to violate this chapter.

(b) Subject to the exceptions stated, the provisions of this chapter applicable to bicycles apply whenever a bicycle is operated upon a highway or a path set aside for the exclusive use of bicycles.

SECTION 11. IC 9-21-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. **This chapter is applicable to** a person riding a bicycle upon a roadway has all the rights and duties under this article that are applicable to a person who drives a vehicle; except the following:

(1) Special regulations of this article.

(2) Those provisions of this article that by their nature have no application.

highway or a path set aside for the exclusive use or preferential use of bicycles, subject to the exceptions stated in this chapter.

SECTION 12. IC 9-21-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A person propelling a bicycle may not:

(1) ride other than upon the permanent and regular seat attached to the bicycle; or

(2) carry any other person upon the bicycle who is not seated upon a firmly attached and regular seat on the bicycle.

(b) ~~A person may not ride upon a bicycle unless seated under this section:~~

SECTION 13. IC 9-21-11-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.3. **Notwithstanding IC 9-13-2-196(c), a person riding a bicycle upon a roadway has all the rights and duties under this article that are applicable to a person who operates a vehicle, except the following:**

(1) Special regulations of this article.

(2) **The provisions of this article that by their nature have no application.**

SECTION 14. IC 9-21-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. A person upon a bicycle ~~a coaster, roller skates,~~ or a toy vehicle may not attach the bicycle ~~coaster, roller skates,~~ or toy vehicle or the person to a ~~street car~~ or vehicle upon a roadway.

SECTION 15. IC 9-21-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. A person riding a bicycle upon a roadway may not ride more than two (2) abreast except

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on paths or parts of roadways set aside for the exclusive use of bicycles: a bicycle lane.

SECTION 16. IC 9-21-11-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6.5. Whenever a bicycle lane exists, a person riding a bicycle must ride in conformance with IC 9-21-8-37.5(1) and IC 9-21-8-37.5(2).**

SECTION 17. IC 9-21-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. A bicycle ~~operated on a highway in motion or the rider of a bicycle in motion~~ from ~~one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise~~ must be equipped with the following:

(1) A lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front.

(2) A lamp on the rear exhibiting a red light visible from a distance of five hundred (500) feet to the rear or a red reflector visible from a distance of five hundred (500) feet to the rear.

(3) Reflectors or reflective material visible from the side.

The lamps under subdivisions (1) and (2) may be either steady or flashing.

SECTION 18. IC 9-21-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. A bicycle must be equipped with a **functional mechanical or hydraulic** brake. ~~that will enable the person who operates the bicycle to make the braked wheels skid on dry, level, clean pavement.~~

SECTION 19. IC 9-21-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Pedestrians are subject to traffic and pedestrian control signals under this chapter.

(b) At all places that are not marked with pedestrian control signals, pedestrians are accorded the privileges and subject to the restrictions of this article.

(c) A person who rides a bicycle on a sidewalk or a bicycle lane or in a crosswalk is subject to the rights, responsibilities, and privileges of a pedestrian under this chapter. However, the person who rides a bicycle must yield the right-of-way to pedestrians.

SECTION 20. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 9-21-11-7; IC 9-21-11-8.

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 553, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, delete lines 33 through 42.

Page 5, delete lines 1 through 8.

Page 7, delete lines 29 through 42.

Page 8, delete lines 1 through 3.

Page 8, delete lines 22 through 29.

Page 8, delete lines 40 through 42.

Delete page 9.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 553 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 6, Nays 1.

 SENATE MOTION

Madam President: I move that Senate Bill 553 be amended to read as follows:

Page 5, delete lines 10 through 12.

(Reference is to SB 553 as printed February 18, 2009.)

BRODEN

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 553, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 2 through 10.

Page 3, line 30, delete "(D)" and insert "(D)".

Page 4, line 23, delete "(c)," and insert "(c)".

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Page 5, line 38, delete "subsection" and insert "**subsections**".

Page 6, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 13. IC 9-21-11-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.3. Notwithstanding IC 9-13-2-196(c), a person riding a bicycle upon a roadway has all the rights and duties under this article that are applicable to a person who operates a vehicle, except the following:**

(1) **Special regulations of this article.**

(2) **The provisions of this article that by their nature have no application."**

Page 7, line 16, delete "rear." and insert "rear".

Page 7, line 16, reset in roman "or a red reflector".

Page 7, reset in roman line 17.

Page 7, line 19, delete "required".

Page 7, after line 35, begin a new paragraph and insert:

"SECTION 20. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 9-21-11-7; IC 9-21-11-8.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 553 as reprinted February 20, 2009.)

AUSTIN, Chair

Committee Vote: yeas 8, nays 2.

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